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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,110	12/10/2003	Fabien Lavoie	15680-1us PN/df	4511
20988	7590	03/24/2006	EXAMINER	
OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			GREENHUT, CHARLES N	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/731,110	Applicant(s) LAVOIE, FABIEN	
	Examiner Charles N. Greenhut	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

I. Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim(s) 1-6 and 10-12 is/are rejected under 35 U.S.C. 102(b) as being anticipated by CATES (US 2,902,101).

1.1. With respect to claim 1, CATES discloses a support surface (47), endless track (38), power source (33) and an anti-roll device being at least one arm (52) projecting longitudinally away from the support surface (47) having a tip (e.g., at 20) above a plane of the undersurface.

1.2. With respect to claim 2, CATES additionally discloses an arm projecting rearwardly (52).

1.3. With respect to claim 3, CATES additionally discloses the arm displaceable from a retracted position, not projecting, to a projecting position. (Col. 2 Li. 68 et seq.)

1.4. With respect to claim 4, CATES additionally discloses actuation of the arm is automated as a function of inclination (53).

1.5. With respect to claim 5, CATES additionally discloses a brake (Col. 3 Li 43-47).

1.6. With respect to claim 6, CATES additionally discloses a roller system selectively deployable for displacing the apparatus without the endless track (49).

1.7. With respect to claim 10, CATES additionally discloses the support surface pivotally displaceable.

1.8. With respect to claim 11, CATES additionally discloses the support surface displaceable with respect to a height.

1.9. With respect to claim 12, CATES additionally discloses a cylindrical roller (Col. 3 Li. 38-41).

II. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 7-9 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over CATES in view of SOWERBY (US 2,873,870).

1.1. With respect to claim 7, CATES fails to teach the roller system having an actuated mechanism for deploying the rollers. SOWERBY teaches the roller system having an actuated mechanism for deploying the rollers (106)/(122). It would have been obvious to one of ordinary skill in the art to modify CATES with the actuation system of SOWERBY in order to facilitate conversion between the endless track and wheels, thereby allowing the vehicle to quickly adjust to a different terrain.

1.2. With respect to claim 8, CATES fails to teach four rollers, one in each corner. SOWERBY teaches four rollers, one in each corner. It would have been obvious to one of ordinary skill in the art to modify CATES with the four rollers, one in each corner of SOWERBY in order to improve stability.

- 1.3. With respect to claim 9, CATES additional teaches a swivel mechanism (Col. 3 Li. 39).
2. Claim(s) 13-16 and 19-20 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over CATES in view of THUNELL (US 4,278,395 A).
- 2.1. With respect to claim 13, CATES discloses a support surface (47), endless track (38), power source (33) , and roller (Col. 3 Li. 38-41). CATES fails to specify the details of the roller. THUNELL teaches a roller on a similar apparatus used for the same purpose, having a pair of legs (60) and cylindrical roller (67) therebetween. It would have been obvious to one of ordinary skill in the art to modify CATES with the legs and roller of THUNELL in order to facilitate loading and unloading the load-supporting surface.
- 2.2. With respect to claim 14, CATES additionally discloses a brake (Col. 3 Li 43-47).
- 2.3. With respect to claim 15, CATES additionally discloses a roller system selectively deployable for displacing the apparatus without the endless track (49).
- 2.4. With respect to claim 16, CATES additionally discloses a portion of the endless track exposed beyond the support surface.
- 2.5. With respect to claim 19, CATES additionally discloses the support surface pivotally displaceable.
- 2.6. With respect to claim 20, CATES additionally discloses the support surface displaceable with respect to a height.
3. Claim(s) 17-18 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over CATES in view of THUNELL and further in view of SOWERBY.

3.1. With respect to claim 17, CATES fails to teach four rollers, one in each corner.

SOWERBY teaches four rollers, one in each corner. It would have been obvious to one of ordinary skill in the art to modify CATES in view of THUNELL with the four rollers, one in each corner of SOWERBY in order to improve stability.

3.2. With respect to claim 18, CATES additionally teaches a swivel mechanism

III. Response to Applicant's Arguments

Applicant's arguments entered 1/19/06 have been fully considered.

1. Applicant argues that the title, as amended, is descriptive. This argument is persuasive. The objection to the title is therefore withdrawn.
2. Applicant argues that claim 16, as amended, complies with the requirements of 35 USC 112 2nd paragraph. This argument is persuasive. The rejection of claim 16 under 35 USC 112 2nd paragraph is therefore withdrawn.
3. Applicant argues that claim 1 as amended is not anticipated by CATES. This argument is not persuasive. This amendment does not distinguish over CATES. The "tip" above a plane of the undersurface does not necessarily exclude the tip of the arm that is attached to the apparatus (at 20), which is above the undersurface (Fig. 1). Applicant's attention is also directed to TAKASHI et al. (JP 04-169382 A) and CARSTENS (US 6,336,642 B1) which disclose anti-roll devices similar to that of applicant.
4. Applicant argues that claim 13 as amended is not anticipated by CATES. This argument is persuasive. Upon further consideration, a new ground(s) of rejection is made over CATES in view of THUNELL, as discussed above.

IV. Conclusion

Art Unit: 3652

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
2. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information

Art Unit: 3652

for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG



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